

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION BY FOX CREEK RURAL ELECTRIC)	
COOPERATIVE CORPORATION TO BORROW ADDITIONAL)	
SUMS OF MONEY IN THE AMOUNT OF \$275,258, AT)	
A VARIABLE INTEREST RATE, FROM NATIONAL)	
UTILITIES COOPERATIVE FINANCE CORPORATION,)	CASE NO. 9694
TO EXECUTE A NOTE THEREFOR TO BE SECURED)	
BY COMMON MORTGAGE HERETOFORE EXECUTED UNDER)	
DATE OF DECEMBER 4, 1973, AND FCR A)	
CERTIFICATE OF CONVENIENCE AND NECESSITY)	

AMENDED ORDER

In its application filed September 19, 1986, Fox Creek Rural Electric Cooperative Corporation ("Fox Creek") requested that the Commission in its Final Order in this case waive jurisdiction of approval of the Rural Electrification Administration ("REA") portion of Fox Creek's loan.


In its Final Order dated November 15, 1986, the Commission's finding corresponding to the above waiver request was inadvertently omitted.

IT IS THEREFORE ORDERED that the Commission's November 25, 1986, Order in this case shall be amended to include the following finding:

Fox Creek is seeking to borrow funds from the REA. On November 12, 1982, the Franklin Circuit Court issued its opinion in West Kentucky RECC v. Energy Regulatory Commission. Therein, the court held that the PSC had no authority to approve or disapprove borrowings from the REA since the REA is an agency of the federal government and KRS 278.300(10) exempts such borrowing from PSC regulation. Accordingly, the Commission takes no action on the REA portion of Fox Creek's proposed borrowing.

Done at Frankfort, Kentucky, this 12th day of December, 1986.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:

Executive Director